IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 968 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/04/2004 in WP NO : 6252 OF 2004 on the file of the High Court.)

Between:

1 E. Sambasiva Rao S/o Kotaiah, Cane Correspondent Clerk,
R/o 4-42-13, Annabathunivari Street, Ithangar, Tenali, Guntur District.
2 Kunapareddy Nagamalleswara Rao S/o Peddimmatata
Jampani (PO) wireman-I Vemuru (M) Guntur District .
3 Anne Sambasiva rao S/o Sri Krishna Murthy
Fitter-A Vemur (PO) & Mandal Guntur District.
4 Guntupalli Siva Prasad, S/o Subba Rao
Quarter No. D11, The NVR Sugars Ltd., Employees Colony, Jampani (PO)
5 A.V. Ramana S/o Rambrahmam
Wireman I NVR Colony, D4, Jampani
6 R. Sambasiva Rao S/o Kutumba rao
Bioler Attendant Quarter No. D9
The NVR Sugar Ltd., Employees, Colony Jampani
7 N. Sambasiva Rao S/o narasaiah
Quarter No. C4 The NVR Sugar Ltd., Employees Colony, Jampani
8 E. Venkateswarlu S/o Suryanrayana
Indira Priyadarsini Road, Nandulapeta Tenali.
9 Kolli Muralimohana Reddy s/o Satyanarayana Reddy
Alavari Street, D. No. 1-4-25, Opp Baraca Church, Ithanagar, Tenali.

..... APPELLANTS

AND

1 NVR Cooperative Sugar Limited, Jampani, Vemuru Mandal, Guntur District
Rep by Managing Director.
2 Commissioner & director of Sugars, The Registrar of Cane Commission,
(Registrar of Co-op Societies) AP., Shakkar Bhavan, Basheerbagh, Hyderabad
3 The Governemnt of A.P., rep by Principal Secretary,
Public Enterprises Department, Secretariat, Hyderabad.

4 Kedar Bio-Chemicals Limited, rep. By Managing Director,

401 & 402, Cyberlights, 4th Floor, Plot 13, Road No.2,

Banjara Hills, Hyderabad. **.....RESPONDENTS**

For the Appellant: MR.K.S.MURTHY

For the Respondent Nos.2 and 3: Advocate General.

Counsel for the Respondent No.4: Mr. S.Niranjan Reddy.

The Court made the following:

ORAL JUDGMENT: (per GB.J.)

The Writ Appeal is filed assailing the order passed by the learned single Judge in WPMP.No.8128 of 2004 in Writ Petition 6252 of 2004, dated 30.4.2004.

2. The learned single Judge passed the following order:

> "For the aforesaid reasons, I am of the considered view that the petitioners have no right to continue as employees of the 1st respondent-society inasmuch as the physical possession of the 1st respondent-society was handed over to the highest bidder on 4.1.2004 in pursuance of the resolution passed by the general body of the 1st respondent-society. The 3rd respondent is also not disowning to pay the benefits of VRS to the employees who have opted for the same, but the only thing is that the Government requires some time to settle the matter.
>
> Considering the facts and circumstances and the balance of convenience, there shall be an interim direction to the 3rd respondent to pay the VRS benefits to such of those employees who have opted for voluntary retirement from out of the sale proceeds of Rs.18.09 crores proportionately within a period of one month from today and the remaining amount, if any, to be paid shall be paid by the end of June, 2004".

3. It is now brought to the notice of this Court that the sale has been set aside by a Division Bench of this Court in Writ Petition No.26875 of 2003, dated 29.6.2004. In view of this, this Writ Appeal has virtually become infructuous.

However, it is desirable that the Writ Petition No.6252 of2004 has to be disposed of expeditiously.

4. In the result, the Writ Appeal is dismissed. No costs.

(G.BIKSHAPATHY, J.)

5th July, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

One Fair copy to the Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).

To

1 NVR Cooperative Sugar Limited, Jampani, Vemuru Mandal, Guntur District
Rep by Managing Director.
2 Commissioner & director of Sugars, The Registrar of Cane Commission,
(Registrar of Co-op Societies) AP., Shakkar Bhavan, Basheerbagh, Hyderabad
3 The Governemnt of A.P., rep by Principal Secretary,
Public Enterprises Department, Secretariat, Hyderabad.

4 Kedar Bio-Chemicals Limited, rep. By Managing Director, 401 & 402, Cyberlights, 4th Floor, Plot 13, Road No.2, Banjara Hills, Hyderabad.

5 2 CCs to the Advocate General, High Court Buildings (OUT).

6 2 CD copies.